

ATTORNEY DOCKET NO. OFFW01-00009  
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PATENT

**REMARKS**

Claims 1-32 are pending in the present application.

Claims 1-32 have been rejected.

No claims have been allowed.

Reconsideration of Claims 1-32 is respectfully requested.

**Claim Rejections – 35 U.S.C. § 103 Obviousness**

On Page 6 of the April 21, 2006 Office Action, the Examiner rejected Claims 1-18 of the Application under 35 U.S.C. § 103 (a) as being unpatenable over U. S. Patent No. 5,764,949 to Huang et al. (hereafter "*Huang*") in view of by Worker Exposure Surveillance system, 1997, Oak Ridge Associated Universities (hereafter "*WESS*").

On Page 9 of the April 21, 2006 Office Action, the Examiner rejected Claims 1, 6, 11 and 15 of the Application under 35 U.S.C. § 103 (a) as being unpatentable over United States Patent No. 4,769,772 to Dwyer (hereafter "*Dwyer*") in view of *WESS*.

On Pages 11-14 of the April 21, 2006 Office Action, the Examiner rejected Claims 19-32 of the Application under 35 U.S.C. § 103 (a) as being unpatentable over *Huang* in view of U. S. Patent No. 5,689,648 to Diaz et al. (hereafter "*Diaz*") and in view of *WESS*.

The Applicants respectfully traverse these rejections for the reasons set forth below.

During *ex parte* examinations of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262,

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23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of non-obviousness. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not be based on an applicant's disclosure. MPEP § 2142.

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In order to establish obviousness by combining references there must be some teaching or suggestion in the prior art to combine the references. *Arkie Lures, Inc. v. Gene Larew Tackle, Inc.*, 119 F.3d 953, 957, 43 U.S.P.Q.2d 1294, 1297 (Fed.Cir. 1997) ("It is insufficient to establish obviousness that the separate elements of an invention existed in the prior art, absent some teaching or suggestion, in the prior art, to combine the references."); *In re Rouffet*, 149 F.3d 1350, 1355-56, 47 U.S.P.Q.2d 1453, 1456 (Fed.Cir. 1998) ("When a rejection depends on a combination of prior art references, there must be some teaching, or motivation to combine the references.").

Evidence of a motivation to combine prior art references must be clear and particular if the trap of "hindsight" is to be avoided. *In re Dembiczak*, 175 F.3d 994, 50 U.S.P.Q.2d 1614 (Fed. Cir. 1999) (Evidence of a suggestion, teaching or motivation to combine prior art references must be "clear and particular." "Broad conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence.'"). *In re Rouffet*, 149 F.3d 1350, 1357, 47 U.S.P.Q.2d 1453, 1457 (Fed.Cir. 1998) ("[R]ejecting patents solely by finding prior art corollaries for the claimed elements would permit an examiner to use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention. Such an approach would be 'an illogical and inappropriate process by which to determine patentability.'")

The Applicants respectfully submit that the Patent Office has not established a *prima facie* case of obviousness with respect to the Applicants' invention. The Applicants hereby incorporate by reference all of the comments previously made in the prosecution of this patent application concerning the Applicants' invention made with respect to the prior art references of

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record including the *Huang* reference and the WESS reference and the *Dwyer* reference.

A. Rejections of Claims 1-18

The Applicants respectfully submit that Claims 1-18 are not obvious in view of a combination of the *Huang* reference and the WESS reference. Therefore, the Applicants respectfully request the Examiner to withdraw the obviousness rejections of Claims 1-18.

The Applicants direct the Examiner's attention to Claim 1, which contains unique and novel limitations:

1. (Previously Presented) For use in managing a database of selectable records, a database administrator for association with a computer system having distributed memory units, said database administrator comprising:  
a security controller that operates repeatedly on a periodic basis to (i) divide said database into portions and (ii) store ones of said portions to ones of said distributed memory units, said security controller thereby systematically periodically redistributing said database over said distributed memory units; and  
an access controller that operates to repeatedly establish views of ones of said selectable records responsive to said security controller periodically redistributing said database over said distributed memory units. (Emphasis added).

The Applicants' invention as claimed in Claim 1 comprises a security controller 106 that periodically parses or disassembles a database into selectable records and stores the records in distributed memory units. (Specification, Page 22, Lines 13-16). It is important to note that the "distributed memory units" comprise "at least two physically separate memory units." (Specification, Page 22, Lines 4-6). The security controller 106 divides (e.g., decompiles, disassembles, parses, etc.) database 101 on any periodic basis. (Specification, Page 22, Line 19 to Page 23, Line 1). For example, the periodic basis may be: clock pulses, a threshold number of

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accesses to database 101 or some portion thereof for any given time period, the time of day, time since the last divide, or any other measurable event. The periodic basis may also be at random (Specification, Page 23, Lines 1-6). The *Huang* reference does not disclose (1) a security controller 106 that periodically parses or disassembles a database into selectable records and stores the records in distributed memory units, or (2) a security controller 106 that divides a database on a periodic basis.

Database 101 has a fluid state rather than a static state in that the records of data are repeatedly divided as portions of database 101 are stored to the physically separate memory units 108-112. (Specification, Page 24, Lines 4-6). Because the security controller 106 periodically divides the database 101 and relocates the individual data records (singularly or in groups), the security controller 106 is the only source for utilizing the key to the data link structure. If a data record or group is accessed by an unauthorized user, there is no link available for the unauthorized user to view the other linked records. (Specification, Page 27, Line 16 to Page 28, Line 10).

The *Huang* reference does not disclose, suggest or even hint at these features of the Applicants' invention. The *Huang* reference discloses a system and a method of pass through in a heterogeneous distributed database environment. The *Huang* reference discloses a hybrid pass through feature that is a combination of a pass through mode and a native mode. (*Huang*, Column 2, Lines 5-13). There is nothing in the *Huang* reference that teaches, suggests or even hints at the security controller 106 of the Applicants' invention.

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Unlike the security controller 106 of the Applicants' invention, the Interface Module 106 of *Huang* does not periodically parse or disassemble a database into selectable records and store the records in distributed memory units (i.e., physically separate memory units). Unlike the security controller 106 of the Applicants' invention, the Interface Module 106 of *Huang* does not divide a database on a periodic basis. The *Huang* reference does not disclose an Interface Module 106 that performs the functions that are claimed in Claim 1.

That is, the Interface Module 106 of *Huang* does not "operate repeatedly on a periodic basis to (i) divide said into portions . . . . thereby systematically periodically redistributing said database over said distributed memory units; " (Emphasis added). In the *Huang* reference there is no disclosure of a systematic repetitive division and redistribution of a database for security purposes.

The Applicants' invention also comprises an access controller 104 that operates to repeatedly establish views of ones of the selectable records responsive to the security controller 106 periodically redistributing the database 101 over the distributed memory units 108-112. Access controller 104 manages login and grants access to security controller 106. (Specification, Page 21, Lines 1-2). Login to access controller 104 may cause information to be retrieved from a profile table to create code for linking appropriate data records for the user to view or modify. The profile table is initially created by the authorized user and information in the table is used at every login to create a login table that allows security controller 106 to link the requested data records together to establish a view. (Specification, Page 25, Lines 2-8).

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The *Huang* reference does not disclose, suggest or even hint at this feature of the Applicants' invention. There is nothing in the *Huang* reference that anticipates the access controller 104 of the Applicants' invention and its repeated operation to establish views of ones of the selectable records responsive to security controller 106 periodically redistributing database 101 over the distributed memory units 108-112.

The Examiner stated that "Huang fails to explicitly disclose an embodiment wherein the security controller operates to periodically distribute the database over the said units, where the units are memory units." (April 21, 2006 Office Action, Page 7, Lines 14-15). The Applicants agree that the *Huang* reference does not disclose this feature.

The Examiner stated that the WESS reference discloses the concept of defragmenting a disk drive and that it would have been obvious to combine this concept with the teachings of the *Huang* reference. (April 21, 2006 Office Action, Page 7, Line 16 to Page 8, Line 8). One portion of the Office Action states that "WESS discloses an embodiment wherein the controller operates to periodically re-distribute the database over the memory units of the hard drive, ie, the files of the database." (April 21, 2006 Office Action, Page 8, Lines 1-2). The Applicants respectfully disagree with the Examiner's characterization of the disclosure of the WESS reference and the Examiner's assumption that the "files of the database" are equivalent to the "memory units of the hard drive."

In a fragmentation process, as known to those of skill in the art, files are not "distributed" but are rather "compacted," that is, rewritten to contiguous blocks of sectors of hard disk space.

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The Examiner's statement appears to suggest that the "memory units" over which the database is "distributed" are "the files of the database." On the contrary, in a typical defragmentation process, individual files (including database files) are rewritten to be physically stored on substantially contiguous blocks of sectors. The hard drive's logical file structure is intended to be unaffected, so that programs can continue to operate normally. No databases would be "re-distributed" between files in the database, as the Office Action would appear to suggest.

WESS describes on page 31 that a hard drive should be defragmented, and indicates that a Microsoft tool should be used. Microsoft itself describes, with relation to "Windows 98":

When a program is installed on your computer, the program's files may be broken up over multiple locations on your hard disk. This is called fragmentation. If fragmentation occurs on your hard disk, the performance of programs on your computer is slower. The Disk Defragmenter tool optimizes the performance of your computer by reorganizing the files on your hard disk into contiguous blocks. When the Disk Defragmenter tool completes the defragmentation of files on your hard disk, the performance of your programs is faster because the files are arranged closer together. (See <http://support.microsoft.com/default.aspx?scid=kb;EN-US;186171>)

In short, in a defragmentation process described in WESS and known to those of skill in the art, the "memory units" can only be hard disk sectors or blocks of them. Each of the Applicants' independent claims (Claims 1, 6, 11, and 15) requires one or more computer systems having "distributed memory units." Page 22 of the specification states that:



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"Distributed memory unit," for purposes hereof, can be defined broadly, as any at least two physically separate memory units, whether locally or remotely; for instance, memory units 108-112 are locally associated with database server 100. In contrast, according to a related embodiment, a remotely distributed memory unit may be physically associated with another server, in a computer on a connected local area network, wide area network, a connected computer somewhere on the Internet or the like. (Specification, Page 22, Lines 4-12).

As can be seen, in the context of the present application, no reasonable interpretation of the claim term "distributed memory units" can include individual sectors on a common hard disk drive. The term "distributed memory units" refers to at least two physically separate memory units. The Examiner's use of a defragmentation process fails to be a "broadest reasonable interpretation" of the claims, in light of the plain meaning of "distributed" and the specific definition in the specification.

The WESS reference only teaches the concept of defragmenting one hard drive. The WESS reference states "When excessive fragmentation occurs, the drive should be defragmented. \* \* \* It is recommended that the database manager periodically defragment the hard drive where the WESS database resides, after backing up the data." (Emphasis added) (WESS, Page 31). The WESS reference discloses that the WESS database is located only on one hard drive (i.e., the hard drive) and that the defragmentation process is conducted on the one hard drive. The defragmenting process described in the WESS reference does not disclose the concept of periodically distributing separate portions of a database to at least two physically separate memory units. The WESS reference fails to teach this limitation of the claims.

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Furthermore, other examples from the prior art show that the concept of disk fragmentation only applies to one hard drive. The Microsoft Computer Dictionary (5<sup>th</sup> edition) describes the process of defragmenting in the following manner.

The process of rewriting parts of a file to contiguous sectors on a hard disk to increase the speed of access and retrieval. When files are updated, the computer tends to save these updates on the largest continuous space on the hard disk, which is often on a different sector than the other parts of the file. When files are thus "fragmented," the computer must search the hard disk each time the file is accessed to find all of the file's parts, which slows down the response time. (Emphasis added) (Microsoft Computer Dictionary (5<sup>th</sup> edition), Page 151).

It is clear from the foregoing definition that the concept of defragmentation relates to defragmenting by distributing portions of a computer file on a single hard disk. This definition of defragmentation was also set forth in the Office Action. (April 21, 2006 Office Action, Page 4, Lines 1-6).

The Examiner also cited U. S. Patent No. 6,130,759 to Blair ("*Blair*") to supposedly illustrate the defragmentation of the image transfer device as a "redistributing" process. (April 21, 2006 Office Action, Page 5, Lines 8-15). The *Blair* reference describes a defragmentation process that is carried out within a single memory unit (i.e., dynamic random access memory 40). The buffers 42, 44 and 46 that are used in the process are part of the DRAM unit 40. The buffers 42, 44 and 46 are not physically separate memory units. The *Blair* reference does not teach, suggest or even hint at the concept of periodically distributing separate portions of a database to at least two physically separate memory units.

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Therefore, the *Blair* reference fails to teach this limitation of the claims.

For the reasons set forth above the Applicants respectfully submit that the concept of defragmentation as set forth in the WESS reference (and in other prior art) does not teach, suggest or even hint at the Applicants' concept of periodically distributing separate portions of a database to at least two physically separate memory units.

Therefore, the Applicants respectfully traverse the Examiner's assertion that "It would have been obvious to one of ordinary skill in the art at the time of the invention to periodically distribute the database over said memory units, in the hard drives in which the database resides in order to keep the fragmentation of the database and other files residing on the hard drive to a minimum and prevent search performance from suffering. (April 21, 2006 Office Action, Page 8, Lines 5-8).

The Applicants respectfully submit that the supposed motivation to combine the references is legally insufficient and too vague. The supposed motivation was said to be "in order to keep the fragmentation of the database and other files residing on the hard drive to a minimum and prevent search performance from suffering." This supposed motivation is very general and does not specifically suggest combining the *Huang* reference and the WESS reference, especially in view of the fact that neither the *Huang* reference nor the WESS reference discloses the concept of periodically distributing separate portions of a database to at least two physically separate memory units. The Applicants respectfully submit that the motivation to combine the two references comes from a hindsight consideration of the

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Applicants' specification and the disclosures therein.

Furthermore, even if the *Huang* reference and the WESS reference could be properly combined (which the Applicants do not admit), there would still be no teaching or suggestion in the combination of the two references of all of the claim limitations of the Applicants' independent claims (Claims 1, 6, 11 and 15). The combination of the *Huang* reference and the WESS reference is clearly legally insufficient to serve as a combination that would cause Claim 1 (or Claim 6 or Claim 11 or Claim 15) to be obvious. Therefore, the Patent Office has not carried the burden of establishing a *prima facie* case of obviousness. The obviousness rejections of Claims 1, 6, 11 and 15, and of their respective dependent Claims 2-5, 7-10, 12-14, and 16-18 are respectfully traverses for the reasons set forth above. Claims 1-18 should be allowed over the *Huang* reference and over the WESS reference whether taken individually or in combination. Reconsideration and allowance of Claims 1-18 is respectfully requested.

**B. Rejections of Claims 1, 6, 11 and 15**

The Applicants respectfully submit that Claims 1, 6, 11 and 15 are not obvious in view of a combination of the *Dwyer* reference and the WESS reference. Therefore, the Applicants respectfully request the Examiner to withdraw the obviousness rejections of Claims 1, 6, 11 and 15. The Applicants hereby incorporate by reference all of the comments made above concerning the Applicants' invention made with respect to the *Huang* reference and the WESS reference.

The Applicants respectfully submit that the *Dwyer* reference does not disclose, suggest or even hint at the security controller 106 or the access controller 104 of the Applicants' invention.

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The *Dwyer* reference discloses a distributed database query optimization method that allows some query optimization to be done locally. (*Dwyer*, Column 2, Lines 50-54). The *Dwyer* method determines an optimal execution strategy for a request that comprises query, update or transaction operations on a distributed database system. (*Dwyer*, Column 3, Lines 12-15).

There is nothing in the *Dwyer* reference that anticipates the operation of the security controller 106 of the Applicants' invention. There is nothing in the *Dwyer* reference that is analogous to the Applicants' security controller 106 that periodically divides database 101 and relocates the individual data records (singularly or in groups). There is nothing in the *Dwyer* reference that is analogous to a security controller 106 that is a sole source for utilizing a key to a data link structure. Further, there is nothing in the *Dwyer* reference that anticipates the operation of the access controller 104 of the Applicants' invention.

The Examiner asserted that "Dwyer (Figure 1) discloses an apparatus for use in managing a database of selectable records, a database administrator for association with a computer system having distributed memory units. . . ." (April 21, 2006 Office Action, Page 10, Lines 1-3). The Applicants respectfully traverse this assertion of the Examiner for the following reasons.

Unlike the security controller 106 of the Applicants' invention, the External Schema 4 and the Conceptual Schema 6 of *Dwyer* do not periodically parse or disassemble a database into selectable records and store the records in distributed memory units (i.e., physically separate memory units). Unlike the security controller 106 of the Applicants' invention, the External Schema 4 and the Conceptual Schema 6 of *Dwyer* do not divide a database

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on a periodic basis.

The *Dwyer* reference states that "The external schemas 4a, 4b, and 4c are descriptions of the users 2a, 2b, 2c and 2d views, and serve as the user interface. The conceptual schema 6 is a semantic description of the total distributed database." (*Dwyer*, Column 5, Lines 44-47). Therefore, the external schema 4 of *Dwyer* are user interface "descriptions." The conceptual schema 6 of *Dwyer* are "semantic descriptions" of a total distributed database. There is no disclosure of performing any of the claimed functions of the security controller 106 of the present invention.

While it may be possible to assign the label "security controller" to the External Schema 4 and the Conceptual Schema 6 of *Dwyer* the fact remains that the *Dwyer* reference does not disclose any structure that performs the functions claimed in Claim 1 (or in Claim 6 or in Claim 11 or in Claim 15).

That is, the External Schema 4 and the Conceptual Schema 6 of *Dwyer* do not "operate repeatedly on a periodic basis to (i) divide said into portions . . . . thereby systematically periodically redistributing said database over said distributed memory units;" (Emphasis added). In the *Dwyer* reference there is no disclosure of a systematic repetitive division and redistribution of a database for security purposes.

The Applicants' invention also comprises an access controller 104 that operates to repeatedly establish views of ones of the selectable records responsive to the security controller 106 periodically redistributing the database 101 over the distributed memory units 108-112. Access controller 104 manages login and grants access to security controller 106. (Specification,

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Page 21, Lines 1-2). Login to access controller 104 may cause information to be retrieved from a profile table to create code for linking appropriate data records for the user to view or modify. The profile table is initially created by the authorized user and information in the table is used at every login to create a login table that allows security controller 106 to link the requested data records together to establish a view. (Specification, Page 25, Lines 2-8).

The *Dwyer* reference does not disclose, suggest or even hint at this feature of the Applicants' invention. There is nothing in the *Dwyer* reference that teaches, suggests or even hints at the access controller 104 of the Applicants' invention and its repeated operation to establish views of ones of the selectable records responsive to security controller 106 periodically redistributing database 101 over the distributed memory units 108-112.

The Examiner stated that "Dwyer fails to explicitly disclose an embodiment wherein the controller operates to periodically distribute the database over the said units, where the units are memory units." (April 21, 2006 Office Action, Page 10, Lines 16-17). The Applicants agree that the *Dwyer* reference does not disclose this feature.

The Examiner stated that the WESS reference discloses the concept of defragmenting a disk drive and that it would have been obvious to combine this concept with the teachings of the *Dwyer* reference. (April 21, 2006 Office Action, Page 10, Line 18 to Page 18, Line 11). One portion of the Office Action states that "WESS discloses an embodiment wherein the controller operates to periodically re-distribute the database over the memory units of the hard drive, ie, the files of the database." (April 21, 2006 Office Action, Page 11, Lines 4-5). The Applicants respectfully

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disagree with the Examiner's characterization of the disclosure of the WESS reference and the Examiner's assumption that the "files of the database" are equivalent to the "memory units of the hard drive."

At this point the Applicants re-assert all of the comments made above concerning the Applicants' invention made with respect to the WESS reference concerning the topic of defragmentation. In view of the Applicants' comments concerning the WESS reference the Applicants respectfully traverse the Examiner's assertion that "It would have been obvious to one of ordinary skill in the art at the time of the invention to periodically distribute the database over said memory units, in the hard drives in which the database resides in order to keep the fragmentation of the database and other files residing on the hard drive to a minimum and prevent search performance from suffering. (April 21, 2006 Office Action, Page 11, Lines 8-11).

The Applicants respectfully submit that the supposed motivation to combine the references is legally insufficient and too vague. The supposed motivation was said to be "in order to keep the fragmentation of the database and other files residing on the hard drive to a minimum and prevent search performance from suffering." This supposed motivation is very general and does not specifically suggest combining the *Dwyer* reference and the WESS reference, especially in view of the fact that neither the *Dwyer* reference nor the WESS reference discloses the concept of periodically distributing separate portions of a database to at least two physically separate memory units. The Applicants respectfully submit that the



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motivation to combine the two references comes from a hindsight consideration of the Applicants' specification and the disclosures therein.

Furthermore, even if the *Dwyer* reference and the WESS reference could be properly combined (which the Applicants do not admit), there would still be no teaching or suggestion in the combination of the two references of all of the claim limitations of the Applicants' independent claims (Claims 1, 6, 11 and 15). The combination of the *Dwyer* reference and the WESS reference is clearly legally insufficient to serve as a combination that would cause Claim 1 or Claim 6 or Claim 11 or Claim 15 to be obvious. Therefore, the Patent Office has not carried the burden of establishing a *prima facie* case of obviousness. The obviousness rejections of Claim 1, Claim 6, Claim 11 and Claim 15 are respectfully traverses for the reasons set forth above. Claim 1, Claim 6, Claim 11 and Claim 15 should be allowed over the *Dwyer* reference and over the WESS reference whether taken individually or in combination. Reconsideration and allowance of Claim 1, Claim 6, Claim 11 and Claim 15 is respectfully requested.

C. Rejections of Claims 19-32

The Applicants respectfully submit that Claims 19-32 are not obvious in view of a combination of the *Huang* reference and the *Diaz* reference and the WESS reference. Therefore, the Applicants respectfully request the Examiner to withdraw the obviousness rejections of Claims 19-32. The Applicants hereby incorporate by reference all of the comments made above concerning the Applicants' invention made with respect to the *Huang* reference and the WESS reference and the *Dwyer* reference.

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On Page 13 of the April 21, 2006 Office Action, the Examiner stated that "Huang however, fails to disclose information that is commercial and likewise, a communication system that acts in the context of an E-Commerce system." (April 21, 2006 Office Action, Page 13, Lines 9-10). For the reasons previously set forth, the Applicants respectfully traverse the assertion of the Examiner that the *Huang* reference discloses a security controller as disclosed and claimed by the Applicants. The Applicants also respectfully traverse the assertion of the Examiner that the *Huang* reference discloses an access controller as disclosed and claimed by the Applicants. The Applicants also respectfully traverse the assertion of the Examiner that the *Huang* reference discloses a security controller that systematically redistributes portions of a database over distributed memory units.

For the reasons discussed above with respect to the *Huang* reference and the WESS reference, the Applicants respectfully submit that the *Huang* reference and the WESS reference do not teach the claim limitations of Claim 19 that relate to the Applicants' security controller 106 and to the Applicants' access controller 104. The Applicants also respectfully submit that the *Diaz* reference does not contain any elements that are analogous to the Applicant's security controller 106 and the Applicants' access controller 104.

Independent claim 19 requires "a database administrator for association with distributed memory units, said database administrator comprising: a security controller that operates repeatedly on a periodic basis to (i) divide said database into portions and (ii) store ones of said portions to ones of said distributed memory units, said security controller thereby systematically periodically

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redistributing said database over said distributed memory units."

On Page 7 of the April 21, 2006 Office Action, the Examiner explicitly stated that the *Huang* reference does not disclose that a controller operates to periodically distribute the database over memory units. (April 21, 2006 Office Action, Page 7, Lines 14-15). The Examiner makes no showing at all that this feature is taught or suggested by *Diaz*.

The obviousness rejection is over the *Huang* reference in view of the *Diaz* reference and in view of the WESS reference, and neither of these references teach or suggest the features of independent Claim 19, it is clear that independent Claim 19 and its dependent claims (Claims 20-32) are all allowable over *Huang* in view of *Diaz* and in view of WESS. The Applicants respectfully submit that the obviousness rejections of Claims 19-32 stand traversed.

Under the applicable law, a prior art reference (or prior art references when combined) must teach or suggest all the claim limitations. The Applicants respectfully submit that there is insufficient teaching or suggestion in the prior art to combine the *Huang* reference and the *Diaz* reference and the WESS reference. The Applicants respectfully submit that even if the *Huang* reference and the *Diaz* reference and the WESS reference could be properly combined (which the Applicants do not admit), there would still be no teaching or suggestion in the combination of all of the claim limitations of Claim 19. The combination of the *Huang* reference and the *Diaz* reference and the WESS reference is clearly legally insufficient to serve as a combination that would cause Claim 19 to be obvious. Therefore, the Patent Office has not carried the burden of establishing a *prima facie* case of obviousness for Claim 19.

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The Applicants respectfully submit that the rejection of Claim 19 under 35 U.S.C. §103(a) as being obvious in view of the *Huang* reference and the *Diaz* reference and the WESS reference should be withdrawn and that Claim 19 should be passed to issue.

For the reasons set forth above, Applicants respectfully submit that Claim 19 contains unique and novel limitations. Applicants also respectfully submit that Claims 20 through 32 directly or indirectly depend from and contain all the unique and novel limitations contained in Claim 19. Therefore, Claims 20-32 are not obvious in view of the *Huang* reference or the *Diaz* reference or the WESS reference or the combination of the *Huang* reference and the *Diaz* reference and the WESS reference. The Applicants therefore respectfully submit that the rejection of Claims 19-32 under 35 U.S.C. §103(a) should be withdrawn and that Claims 19-32 be passed to issue.

The Applicants respectfully submit that Claims 1-32 are all patentable over the *Huang* reference and the WESS reference and the *Dwyer* reference and the *Diaz* reference whether taken individually or in combination. The Applicants respectfully request the withdrawal of the obviousness rejections of Claims 1-32 and that Claims 1-32 be passed to issue.

The Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. The Applicants reserve the right to submit further arguments in support of their above stated position as well as the right to introduce relevant secondary considerations including long-felt but unresolved needs in the industry, failed attempts by others to invent the invention, and the like, should that become necessary.

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**SUMMARY**

For the reasons given above, the Applicants respectfully request reconsideration and allowance of pending claims and that this Application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this Application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at *fhamilton@munckbutrus.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK BUTRUS, P.C.

Date: June 21, 2006

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